

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MATTHEW ROMAIN

-V-

ORDER OF DISMISSAL
FOR LACK OF ACTIVITY
ADOPTING REPORT & RECOMMENDATION

CV 10-1744 (JS) (ARL)

NASSAU CO. POLICE DEPT., ET AL.
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APPEARANCES:

For Plaintiff:

Matthew Romain, *Pro Se*

#10-A-5371

Bare Hill Correctional Facility

181 Brand Rd.

Caller Box 20

Malone NY 12953

For Defendants:

Liora Ben-Sorek, Esq.

Jennean Rogers, Esq.

Nassau Co. Attorney's Office

1 West St.

Mineola NY 11501

SEYBERT, DISTRICT JUDGE:

The above-captioned case was commenced on Apr. 19, 2010.

In her Report & Recommendation dated Oct. 17, 2011 (docket entry [22]), Magistrate Judge Arlene Rosario Lindsay clearly outlined the plaintiff's failure to comply with deadlines and requirements.

It is noted that the plaintiff never advised the Court or the defendants of his change of address. Nevertheless, on at least three occasions, defense counsel mailed documents to the plaintiff at the above address, which is confirmed by the New York State Corrections website.

Absent any further communication from the plaintiff, Judge Lindsay issued her Report & Recommendation. No objection having been received, the Report & Recommendation is adopted, with the correction of one typographical error contained therein: This Court's Memorandum & Order was issued in July, 2010, not 2009.

IT IS HEREBY ORDERED that this case be dismissed without prejudice for lack of prosecution, pursuant to Rule 41(b), Federal Rules of Civil Procedure. Defense Motion [18] to dismiss is GRANTED. The Clerk of Court is directed to mark the case closed and mail a copy of this order to the plaintiff at the Bare Hill address above.

SO ORDERED.

5/ JOANNA SEYBERT

JOANNA SEYBERT
U.S. DISTRICT JUDGE

Dated: Central Islip, New York
Nov. 28, 2011